

Gender and Justice Commission
January 14, 2011
Meeting Minutes

In Attendance: Chief Justice Barbara Madsen, Ms. Barbara Carr, Judge Sara Derr, Ms. Joan Dubuque, Ms. Ruth Gordon, Ms. Margaret Hobart, Ms. Jennie Laird, Ms. Judith Lonquist, Judge Craig Matheson, Professor Natasha Martin, Ms. Leslie Owen, Ms. Yvonne Pettus, Mr. Bernie Ryan, Judge Ann Schindler, Justice Jane Smith, Judge Chris Wickham, Ms. Emily McClory, Seattle University School of Law Women's Law Caucus and Myra Downing, Commission staff.

Guests: Ms. Nancy Ashley, Dr. Barney Barnoski, Mr. Bo Madsen, and Ms. Linda Rinaldi.

Absent: Judge Vickie Churchill, Ms. Laura Contreras, Judge Cynthia Jordan, , Judge Alicia Nakata and Mr. David Ward.

COMMISSION BUSINESS

Staff Report

Expenditures are within the agreed upon Gender and Justice Commission budget.

STOP funds.

- The American Recovery and Reinvestment Act STOP grant contracts have concluded.
- Funds from the STOP program to pay for a program assistant.

Myra is working with Thurston County on the development of a video that will be made available to clerk's offices around the state. The purpose of the video is to provide information and support for those requesting a protection order.

The Commission is going to conduct a pilot program with Tulalip and Quinnault Tribes addressing domestic violence issues on the reservation and the working relationship between Tribal and State courts.

Jeff Hall, Judge Derr, and Myra Downing attended a national STOP grant meeting. Washington State was acknowledged for their progressive and comprehensive approach for using the 5% set aside for courts.

Chair Report

Chief Justice Madsen received a letter from the American Civil Liberties Union of Washington, the American Immigration Lawyers Association-Washington State Chapter, the Asian Counseling and Referral Services, Council on American-Islamic relations of Washington State, el Centro de La Raza, Fuse Washington,

Latino Bar Association of Washington, Loren Miller Bar Association, Lutheran Public Policy Office, Middle Eastern Legal Association of Washington, Minority Executive Directors Coalition, Native American Bar Association of Washington, Northwest Immigrant Rights Project, OneAmerica, Puget Sound Alliance of Retired Americans, SEIU 775NW, Skagit Immigration Rights Project, Statewide Poverty Action Network, The Defender Association/Racial Disparity Project, Washington CAN, Washington Defender Association, Washington Women Lawyers Association, and Vietnamese American Bar Association of Washington.

The letter expressed the concerns of these organizations regarding Gross Misdemeanor sentencing practices in District and Municipal Court. A major issue was the controversy surrounding 0-365 day sentences.

Chief Justice Madsen is meeting with the Immigration Committee to discuss this and other issues unique to working with immigrants in the courts.

Chief Justice Madsen will be meeting with the members of the Access to Justice Board, the Minority Bar Associations, and the law schools on March 2 to discuss perceived bias in the courts. The meeting will be held in Olympia.

The meetings with commissions and boards are suggesting that the timing might not be right for a unified council. There is agreement that there is a need for more coordination between these entities and the need for consistency in minutes and work plans would be helpful.

A Information Technology (IT) Ad Hoc Committee was formed. Ms. Barbara Carr, Ms. Ruth Gordon, Ms. Margaret Hobart, and Judge Matheson agreed to serve on this committee. They will review proposals that are sent to the Commission for comment.

A Committee was formed to review STOP Grant applications. Members include Chief Justice Madsen, Judge Cynthia Jordan, Ms. Leslie Owen, Mr. Bernie Ryan, Judge Ann Schindler, and Justice Jane Smith.

ACTION: The rating criteria for STOP Grant applications will be sent to Commission members for review and comment.

PRESENTATIONS

Washington State Pre-Adjudication Assessment and Domestic Violence Domain

Thurston County has been using the Washington State Static Risk Assessment developed for DOC for several years. The Static Risk Assessment assesses risk for re-offense while the preliminary appearance assessments concern risk between case filing and adjudication.

Through the American Recovery and Reinvestment Act (ARRA) Grant program, Thurston County Superior Court contracted with Dr. Barnoski to modify the assessment tool to include more information on Failure to Appear (FTA) and domestic violence. This new tool is intended to provide additional information for the judicial officer to use in establishing release conditions.

Dr. Barnoski's literature search on FTA risk assessment tools identified the following as elements effecting appearance: prior record of convictions; prior record of failure to appear; employment and school records, residency or living situation; community ties; family ties; marital status; and substance abuse.

For the DV assessment, Dr. Barnoski stressed that victim information gathered by law enforcement at the scene of the incident is critical.

He is currently in the process of validating this instrument. It is the hope that, once the instrument is validated, other jurisdictions would be interested in using the tool.

King County Domestic Violence STOP Grant Patterns in Sentencing

Using ARRA funds, King County District Court contracted with Ms. Rinaldi and Ms. Ashley to examine sentencing practices and outcomes in domestic violence cases in courts of limited jurisdictions. Ms. Rinaldi and Ms. Ashley discussed some of the challenges of getting the information needed to do their research. Two significant problems mentioned were 1) that not all judicial officers or court staff enters the sentencing conditions and 2) there are 73 possible choices so and there wasn't a means to determine if judicial officers and staff were using the same choice for the same thing. For example, regarding treatment, one court may select batterer's intervention treatment and another court may select counseling but it also was for batterer's intervention treatment.

It is hoped that this work can be replicated in a few other counties so there is another data that would cement sentencing practices and procedures. This would give the Commission enough information to work with DMCJA and DMCMA in refining the current systemic practices.

PROJECT REPORTS

State Justice Institute Immigration Committee

Judge Ann Schindler provided an update on the work of the Immigration Advisory Committee and SJI project. The educational program has been finalized for the SCJA. The program for DMCJA has not been confirmed. Work will now be focusing on the Bench Guide and the Resource Directory.

Domestic Violence Protocols Project

Judge Chris Wickham discussed that the DV Protocol Committee would be meeting after the Commission meeting to begin development of their “next steps.” He pointed out that the Committee wants to include firearms in their work. Myra will arrange for some training for the committee to prepare them to answer questions posed during the site visits.

NEW BUSINESS

Annual Conference Proposal Submittals.

The Commission submitted two proposals based on sessions presented at the National Women’s Judges Conference::

1. Girls in Trouble
2. DV Risk Assessments

The Commission is a co-sponsor for the following:

- Elder Abuse with the Guardianship Board
- Sexual Orientation with the DMCJA
- Opening Plenary with Minority and Justice Commission, SCJA Equality and Fairness and the DMCJA Diversity Committee